

TAB F

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JACOB SMITH,)	Case No. 2:20-cv-03755
)	
Plaintiff,)	
)	Judge Edmund A. Sargus
v.)	Magistrate Judge Kimberly A. Jolson
)	
FIRSTENERGY CORP., <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

JAMES BULDAS,)	Case No. 2:20-cv-03987
)	
Plaintiff,)	Judge Edmund A. Sargus
)	Magistrate Judge Kimberly A. Jolson
v.)	
)	
FIRSTENERGY CORP., <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

BRIAN HUDOCK and CAMEO COUNTERTOPS, INC.,)	Case No. 2:20-cv-03954
)	
Plaintiffs,)	Judge Edmund A. Sargus
)	Magistrate Judge Kimberly A. Jolson
v.)	
)	
FIRSTENERGY CORP., <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

**DECLARATION OF JOHN R. ALPHIN IN SUPPORT OF AWARD OF ATTORNEYS'
FEES, REIMBURSEMENT OF EXPENSES, AND AWARD OF INCENTIVE
PAYMENTS TO CLASS REPRESENTATIVES**

I, John R. Alphin declare as follows:

1. I am an attorney licensed to practice before the courts of South Carolina, and am the managing attorney for Strom Law Firm, LLC (“Strom Law Firm”). I have personal knowledge of the facts stated in this Declaration and, if called as a witness, I would testify competently to them. I make this Declaration in support of Strom Law Firm’s request for attorneys’ fees and reimbursement of litigation expenses, as set forth in Class Plaintiffs’ Unopposed Motion For Award of Attorneys’ Fees, Costs, and Incentive Awards To Class Representative Plaintiffs (the “Fee Motion”).

2. Jessica Fickling and I are counsel of record for Plaintiff Michael Emmons in a class action lawsuit pending in the Cuyahoga County Court of Common Pleas styled *Emmons v. FirstEnergy Corp.*, Case No. CV-20 935557.

3. A brief description of my firm, which includes a short summary of our firm’s experience and credentials, is attached as ***Exhibit 1*** and incorporated herein by reference.

4. Throughout the course of this litigation, my firm kept files contemporaneously documenting all time spent, including tasks performed, and expenses incurred, and shared those reports on a regular basis with James L. Ward, Jr., who is Class Counsel for the Settlement Class along with Dennis E. Murray, Jr. and Marvin A. Miller. *See* ECF No. 142 (preliminary approval order appointing Messrs. Murray, Miller, and Ward as Class Counsel). All the time and expenses reported by my firm advanced the tremendous class-wide result achieved in this case.

5. Our firm’s work in this matter included extensive work in the underlying litigation including drafting pleadings, and motions, and work on discovery and damages, as well as extensive work, cooperation, and coordination in settlement discussions and mediations.

6. The schedule attached as ***Exhibit 2***, and incorporated herein, is a summary of the amount of time spent by my firm’s attorneys, and professional support staff who were involved in

this litigation. It does not include any time devoted to preparing this Declaration or otherwise pertaining to the Fee Motion. The lodestar calculation is based on my firm's billing rates in our most recent approved class settlement, *Jessica Cook, et al. v. South Carolina Public Service Authority, et al.*, Case No. 2019-CP-23-06675, Greenville County Court of Common Pleas, South Carolina. **Exhibit 2** comprises a summary of contemporaneous time records regularly prepared and maintained by my firm. Those records have been provided to Class Counsel, and I authorize them to be submitted for inspection by the Court if necessary. The hourly rates for my firm's attorneys, and professional support staff included in **Exhibit 2** were, at the time the work was performed, the usual and customary hourly rates charged for their services in similar complex litigation.

7. The total number of hours reasonably expended on this litigation by the Strom Law Firm from inception through July 31, 2022, which does not include time spent preparing this Declaration or preparing the Fee Motion, is 741.25 hours. The total lodestar for my firm at the approved rates is \$426,118.75. Expense items are billed separately and are not duplicated in my firm's lodestar.

8. The expenses incurred in litigating this action are reflected in the books and records of my firm. These books and records are prepared from expense vouchers, invoices, receipts, check records, and other source materials and accurately reflect the expenses incurred. My firm's expense records are available for inspection by the Court if necessary.

9. Strom Law Firm incurred a total of \$15,098.45 in unreimbursed expenses, all of which were reasonable and necessary for the prosecution of this litigation. A summary of these expenses by category is attached as **Exhibit 3**.

10. In the event the Strom Law Firm provides additional services or incurs additional costs not related to this petition, I will supplement this declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10th day of October, 2022, in Columbia, South Carolina.

s/ John R. Alphin

John R. Alphin

EXHIBIT

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Strom Law Firm, L.L.C. practices in the following areas of law:

Complex Litigation, Multi-District Litigation, Mass Torts, Personal Injury, Worker's Compensation, Nursing Home Malpractice, Pharmaceutical Liability, Products Liability, Consumer Protection, Toxic Torts, Premises Liability, Business Litigation, Social Security Disability, Business Formations, Tax Planning, State and Federal Criminal Defense, White Collar Crimes, Grand Jury Practice, and Appeals.

Firm Size: 8 Attorneys

J. Preston "Pete" Strom, Jr. (Principal) born Columbia, South Carolina, May 21, 1959; admitted to bar, 1984, South Carolina; U.S. District Court, District of South Carolina; U.S. Court of Appeals, Fourth Circuit. Education: University of South Carolina (B.A., 1981; J.D., 1984). Law Clerk to the Honorable Frank Eppes, Thirteenth Judicial Circuit, 1984-1985. Assistant Solicitor, Richland County Solicitor's Office, 1985-1986. Leventis, Strom & Wicker, Columbia, South Carolina, 1986-1988. Law Offices of J.P. Strom, Jr., 1998-1990. Partner: Bolt, Popowski, McCullough & Strom, 1990-1993. United States Attorney for the District of South Carolina, 1993-1996 (Appointed by President Clinton). Member: South Carolina Bar (Member of the Board of Governors); South Carolina Association for Justice (Past President); American Association for Justice (Member of the Board of Governors); Southern Bar Association; South Carolina Criminal Defense Lawyer's Association; Fourth Circuit Judicial Conference; National Association of Former United States Attorneys; National Crime Victim Bar Association. Practice Areas: Complex Litigation; Class Actions; Criminal Defense; Federal Criminal Law.

Mario A. Pacella (Associate) born Buffalo, New York, 1972; admitted to bar, 1998, New York; 1999, Georgia; 2000, South Carolina, U.S. District Court, District of South Carolina and U.S. District Court, Northern and Southern Districts of Georgia; 2001, U.S. Court of Appeals, Fourth Circuit; 2002, U.S. District Court, Middle District of Georgia; 2007, United States Supreme Court. Education: College of William & Mary (B.A., 1994); College of William & Mary School of Law (J.D., 1997). 1997-1999, Law Clerk to the Honorable James E. Graham, United States Magistrate Judge (S.D. Ga.); 1999-2000, Assistant Public Defender, Dekalb County, Georgia. Member: South Carolina Bar; South Carolina Association for Justice; American Association for Justice; State Bar of Georgia; Richland County Bar Association; Glynn County Bar Association. Practice Areas: Administrative Law; Civil Rights; Class Actions; Civil Litigation; Criminal Law; Social Security Disability.

John R. Alphin (Associate), born Clarksville, Tennessee, 1979; admitted to bar, 2005, South Carolina; U.S. District Court, District of South Carolina, 2007; U.S. Tax Court 2011; U.S. Court of Claims 2016. Education: University of South Carolina (B.S., Accounting, 2001; J.D., 2004), University of Florida (LL.M. (Tax), 2005). Member: South Carolina Bar; South Carolina Association for Justice; American Association for Justice; American Bar Association. Practice Areas: Complex Litigation; Class Actions; Alcohol Beverage Licensing; Criminal Tax Law.

Bakari T. Sellers (Associate) born in 1984 and raised in Denmark, South Carolina; admitted to bar 2010, South Carolina; Education: Morehouse College (B.A. 2005); University of South Carolina School of Law (J.D. 2008). Member: South Carolina Bar; South Carolina Association for Justice. Practice Areas: Complex Litigation; Class Actions; Criminal Defense; Federal Criminal Law.

Jessica L. Fickling (Associate) born in 1986 and raised in Ft. Lauderdale, Florida; admitted to the South Carolina bar in 2011, United States District Court for the District of South Carolina, 2011; Education: Mercer University in Macon, Georgia, (B.A. 2008); University of South Carolina School of Law, in Columbia, South Carolina, (J.D. 2011); Law Clerk to the Honorable J. Cordell Maddox, Jr., Circuit Court Judge for the 10th Judicial Circuit, (2010-2011); Member, South Carolina Bar Association; American Bar Association; American Association for Justice; South Carolina Association for Justice. Practice Areas: Complex Litigation; Class Actions.

Alexandra Benevento (Associate) born in 1984 and raised in Buffalo, New York; admitted to the South Carolina bar in 2010, United States District Court for the District of South Carolina, 2010; Education: Clearwater Christian College in Clearwater, Florida, (B.S. 2005); University of South Carolina School of Law, in Columbia, South Carolina, (J.D. 2009); Member, South Carolina Bar Association; Richland County Bar Association; South Carolina Association of Criminal Defense Lawyers. Practice Areas: Criminal Defense; Federal Criminal Law.

Amy E. Willbanks (Associate) born in Columbus, Ohio in 1973; admitted to the South Carolina bar in 2001; Education: University of South Carolina in Spartanburg, South Carolina (B.A. 1995); University of South Carolina School of Law in Columbia, South Carolina (J.D. 2001); Member, South Carolina Bar Association, Spartanburg County Bar Association, South Carolina Association for Justice. Practice Areas: Class Actions, Complex Civil Litigation, Social Security Disability.

Matthew B. Robins (Associate) born in 1991 and raised in Columbia, South Carolina; admitted to the South Carolina bar in 2018; Education: Auburn University (B.A., Political Science, & B.S., Economics, 2015); University of South Carolina School of Law (J.D. 2018); Law Clerk to the Honorable John D. Geathers, South Carolina Court of Appeals (2018-2020); Member, South Carolina Bar Association; Order of the Coif. Practice Areas: Appeals.

Class and Complex Actions Litigated by Attorneys at Strom Law Firm, LLC

Lead Counsel in Anderson v. Comprehensive Care Centers, Inc., et al, Case No. 02-CP-18-1756 in South Carolina consolidated before the Honorable Diane Shafer Goodstein, which resulted in a class action settlement.

Lead Counsel in Preisendorf v. JK Harris & Company, LLC, Case No. 05-CP-10-317 in South Carolina before the Honorable Perry M. Bucker III, which resulted in a class action settlement.

Liaison Counsel in In re American General Life and Accident Co. Industrial Insurance Litigation, MDL 1429, before the Honorable Cameron McGowan Currie which resulted in a mass tort settlement.

Lead counsel in Newsom, et al v. Blue Cross and Blue Shield of South Carolina, et al, 02-CP-40-4997, before the Honorable J. Ernest Kinard in Richland County, South Carolina. The case has resulted in a class action settlement in Love v. Blue Cross Blue Shield Association, 1:03cv21296, pending before the Honorable Federico Moreno in the United States District Court for the Southern District of Florida where a class action settlement is pending. Strom Law Firm, LLC has served as Class Counsel in Love.

Class Counsel in Hospital Pricing Litigation before the Honorable Kenneth G. Goode, which resulted in settlements for four South Carolina hospital systems.

Class counsel in In re Insurance Brokerage Antitrust Litigation, MDL 1663 pending in the District of New Jersey, which resulted in several settlements.

Lead counsel in Webber, et al v. Intertape Polymer Group, Inc., 3:01-3396-19 in the United States District Court for the District of South Carolina, which resulted in a class action settlement.

Powell, et al v. Atlantic Coast Life Insurance Co., 00-CP-40-3723 in Richland County, South Carolina, which resulted in a class action settlement.

Class counsel in In re Industrial Life Insurance Litigation, MDL 1371, which resulted in a number of class action settlements.

Class counsel and Plaintiff's Liaison Counsel in In re Graniteville Cases, 1:06mn6000, which resulted in two class action settlements before the Honorable Margaret B. Seymour in the United States District Court for the District of South Carolina.

Class counsel and Steering Committee member in In re ConAgra Peanut Butter Products Liability Litigation, MDL 1845, which resulted in settlements.

Class counsel in Waterbury Hospital v. U.S. Foodservice, Inc., 06-01657, which resulted in a class action settlement in the United States District Court for the District of Connecticut.

Lead Counsel in In re Payday and Title Loan Litigation, 2007-CP-40-7710, in Richland County, South Carolina, which resulted in several class action settlements.

Lead Counsel in In re South Carolina Pharmaceutical Pricing Litigation, 2006-CP-40-4394, which was pending in the Court of Common Pleas, Richland County, South Carolina and resulted in several settlements.

Class Counsel in Demsheck v. The Ginn Development Company, 3:09-CV-335, in United States District Court for the Middle District of Florida, which resulted in a class action settlement.

Lead Counsel in Lightsey v. SCANA, et al, 2017-CP-25-00335, in the Court of Common Pleas for Hampton County, South Carolina, which resulted in a class action settlement.

Class Counsel in Cook v. Santee Cooper, et all, 2019-CP-23-6675, in the Court of Common Pleas for Greenville County, South Carolina, which resulted in a class action settlement.

EXHIBIT

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<u>Attorney/Paralegal</u>	<u>Rate</u>	<u>Hours</u>	<u>Lodestar</u>
Jessica Fickling	\$650.00	463.5	\$301,275.00
John Alphin	\$650.00	160.5	\$104,325.00
Strom Paralegals	\$175.00	117.25	\$20,518.75
			\$426,118.75

EXHIBIT

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Expense Category	Amount
Airfare	\$4,882.56
FedEx	\$305.99
Filing Fees	\$2,436.90
Mileage	\$87.78
Hotel	\$7,217.81
Parking	\$131.00
Postage	\$36.41
	\$15,098.45